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ELEVENTH REPORT OF THE EXECUTIVE SECRETARY PURSUANT TO ARTICLE 41 OF THE PROVISIONAL RULES FOR CLAIMS PROCEDURE

GE.00-63594

Introduction

1. The present report identifies, pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/1992/10) (the "Rules"), corrections to approved claim awards in category "A".

2. Recommendations for corrections to category "A" claims include duplicate claims and other miscellaneous corrections reported by Governments.

I. CATEGORY "A" DUPLICATE CLAIMS

3. Since the tenth article 41 report (S/AC.26/2000/14), a total of 352 category "A" claims have been found to be duplicates of other claims also awarded compensation in category "A".

4. The majority of the duplicate claims have been reported by the Government of Sri Lanka. At the time of the preparation of the tenth article 41 report, Sri Lanka had identified 562 potential duplicate claims in the fourth and fifth instalments. The secretariat was able to verify 346 of those claims, which were subsequently corrected in the tenth article 41 report. The verification of the remaining claims remained pending.

5. The Government of Sri Lanka has since identified an additional 253 duplicate claims in the sixth instalment. The secretariat has now completed the review of these reported duplicate claims from Sri Lanka and has confirmed as duplicates 112 claims from the fifth instalment and 208 claims from the sixth instalment, for a total of 320 claims. In the case of a number of remaining potential duplicate claims, the secretariat has requested additional information from Sri Lanka in order to assist in the verification of those claims.

6. In addition to the claims from Sri Lanka, 11 duplicate claims were reported by the Government of India and nine duplicate claims were reported by the Government of Pakistan. In addition, based on an understanding between the Government of the Federal Republic of Yugoslavia and the Government of Bosnia and Herzegovina, 12 claims originally identified as duplicate claims of Bosnia and Herzegovina have been reinstated and the 12 corresponding claims of the Federal Republic of Yugoslavia have now been identified as duplicates.

7. No compensation should have been awarded for these 352 duplicate claims and the total recommended awards should be revised accordingly. Table 1, infra, identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be reduced.

Table 1. Category "A" duplicate claims

Country	Instalment	Total number of duplicate claims	Amount of reduction (USD)
India	First	1	4,000.00
	Third	1	2,500.00
	Fourth	3	10,500.00
	Fifth	3	10,500.00
	Sixth	3	12,000.00
Pakistan	Fourth	1	2,500.00
	Fifth	3	10,500.00
	Sixth	5	22,500.00
Sri Lanka	Fifth	112	448,000.00
	Sixth	208	832,000.00
Yugoslavia, Federal Republic of	Fifth	1	4,000.00
	Sixth	11	44,000.00
Total		352	1,403,000.00

II. OTHER CATEGORY "A" CORRECTIONS

A. Non-duplicate claims

8. As noted in paragraph 6, infra, 12 claims for Bosnia and Herzegovina, originally found to be duplicates of claims submitted by the Federal Republic of Yugoslavia, should have been reinstated and the corresponding claims for the Federal Republic of Yugoslavia claims reported as duplicates. In addition, based on additional information received from both the Government of Kuwait and the Government of Bosnia and Herzegovina, two claims originally reported as duplicates have now been shown to have been submitted by different individuals.

9. Table 2, infra, identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be increased.

Table 2. Category "A" non-duplicate claims corrections

Country	Instalment	Total number of claims reinstated	Amount of increase (USD)
Bosnia and Herzegovina	Fifth	1	4,000.00
	Sixth	12	48,000.00
Kuwait	Sixth	1	4,000.00
Total		14	56,000.00

B. Corrections to family claims

10. Four claims originally filed as family claims have been found to be claims submitted by individuals. Accordingly, two claims submitted by the United Kingdom and one claim submitted by India have had their claim amounts reduced from USD 5,000 to USD 2,500 and one claim submitted by the Federal Republic of Yugoslavia has had its claim reduced from USD 8,000 to USD 4,000.

11. Table 3, infra, identifies the Governments concerned, the instalments to be adjusted, the total number of claims to be corrected and the total amount by which the instalment will be increased.

Table 3. Category "A" family claim corrections

Country	Instalment	Number of claims affected	Amount of net effect (USD)
India	Fifth	1	(2,500.00)
United Kingdom	First	1	(2,500.00)
	Fifth	1	(2,500.00)
Yugoslavia, Federal Republic of	Fifth	1	(4,000.00)
Total		4	(11,500.00)

12. The adjusted claim awards for the first and third to sixth instalments, and the total revised recommended awards for category "A" claims, are located in tables 1-6 in the annex to this report.

Annex

CORRECTED CATEGORY "A" CLAIM AWARDS

1. Based on the corrections reported in paragraphs 3-15, supra, the category "A" claims aggregate corrected amounts per country, by claim instalment, are as follows:

Table 1. First instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	25,040,500.00	25,036,500.00
United Kingdom	821,500.00	819,000.00

Table 2. Third instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	16,729,500.00	16,727,000.00

Table 3. Fourth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
India	146,290,500.00	146,280,000.00
Pakistan	22,616,000.00	22,613,500.00

Table 4. Fifth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	3,476,000.00	3,480,000.00
India	147,580,000.00	147,567,000.00
Pakistan	22,955,500.00	22,945,000.00
Sri Lanka	70,158,500.00	69,710,500.00
United Kingdom	1,311,000.00	1,308,500.00
Yugoslavia, Federal Republic of	3,794,500.00	3,786,500.00

Table 5. Sixth instalment category "A" claims corrections

Country or international organization	Previous total recommended award (USD)	Corrected total recommended award (USD)
Bosnia and Herzegovina	1,780,000.00	1,828,000.00
India	17,325,000.00	17,313,000.00
Kuwait	17,136,500.00	17,140,500.00
Pakistan	46,258,000.00	46,235,500.00
Sri Lanka	36,403,000.00	35,571,000.00
Yugoslavia, Federal Republic of	876,000.00	832,000.00

2. Based on the above corrections, the revised category "A" claim total recommended awards by instalment are as follows:

Table 6. Revised total recommended awards for category "A" claims

Instalment	Previous total recommended award (USD) a/	Corrected total recommended award (USD)
First	189,606,000.00	189,599,500.00
Second	641,244,500.00	no change
Third	531,499,000.00	531,496,500.00
Fourth	732,657,000.00	732,644,000.00
Fifth	783,131,000.00	782,653,000.00
Sixth	316,254,500.00	315,396,000.00
Special	2,554,500.00	no change

a/ The previous total recommended award amounts in this column include the initial awards approved by the Governing Council in its decisions 22, 28, 29, 31, 33, 38 and 67 (S/AC.26/Dec.22 (1994), S/AC.26/Dec.28 (1995), S/AC.26/Dec.29 (1995), S/AC.26/Dec.31 (1995), S/AC.26/Dec.33 (1995), S/AC.26/Dec.38 (1996) and S/AC.26/Dec.67 (1999)) and subsequent corrections approved by the Governing Council in its decisions 42, 44, 51, 54, 57, 71, 79, 85, 95 and 99 (S/AC.26/Dec.42 (1997), S/AC.26/Dec.44 (1997), S/AC.26/Dec.51 (1998), S/AC.26/Dec.54 (1998), S/AC.26/Dec.57 (1998), S/AC.26/Dec.71 (1999), S/AC.26/Dec.79 (1999), S/AC.26/Dec.85 (1999), S/AC.26/Dec.95 (2000) and S/AC.26/Dec.99 (2000)).